THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.4269 of 2005

ORAL ORDER:

It appears, petitioner is the owner of vehicle Maruti Zen bearing No.AP16-S-7799. The said vehicle was intercepted by the raid party on 8.1.2001 at about 6 p.m. and found contraband six quarters of NDP liquor. On questioning, the accused revealed his identity as Bala Nageswara Rao S/o Venkatachalam, resident of Chinamillipadu, Akiveedu mandal, West Godavari district. The Station House Officer concerned registered a case in Crime No.128/03-04 under Section 34(a) of A.P. Excise Act, 1968 and submitted proposals for confiscation of the seized property. The second respondent, after hearing both the parties, confiscated the said vehicle vide proceedings dated 31.3.2004. Aggrieved by the same, petitioner carried the matter in appeal before the first respondent and the first respondent vide order dated 29.1.2005 confirmed the orders passed by the second respondent. Aggrieved by the same, the present writ petition is filed.

It appears, all through the case of the petitioner was that the driver of the vehicle, without his knowledge and without any intimation has transported (6) qtrs. of NDP liquor and the Driver alone is responsible for the alleged offence. But it is seen that the driver of the vehicle has already been found not guilty in C.C.No.84 of 2004 by the Special Judicial First Class Magistrate for Prohibition and Excise, Kakinada and was acquitted of the offence and the order in the said calendar case has attained finality.

In view of the above and also in view of the judgment rendered by this Court in W.P.No.27115 of 2007, the impugned order passed by the second respondent as confirmed by the first respondent is set aside.

The writ petition is accordingly allowed. No order as to costs.

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C.V.RAMULU, J

Date: 25.7.2007
DA

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.4269 of 2005

25.7.2007

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.4269 of 2005

Date: 25th July, 2007

Between:

M.Narasimha Murthy

.. Petitioner

And

The Commissioner of Prohibition and Excise,
Government of A.P., Nampally, Hyderabad
& another.

.. Respondents